IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18920 of 2004

Between:

M.Pandaiah, s/o M.Srinihari, Nadargul Village, Saroornagar Mandal, R.R.District, r/o H.No.4-25, Peddapur Village and Post,
Veldananda Mandal, Mahboobnagar District-500 360.

..... PETITIONER

AND

1 Osmania University, rep., by its Registrar, Hyderabad.
2 MVSR Engineering College, represented by its Principal,
Nadargul Village, Saroornagar Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Mandamus declaring the action of the first respondent in issuing proceedings No. 2328/M/503/Acad/2004 dated 24-9-2004 and proceedings No. MEC/Acad/2004-05/141 dated 1-10-2004 by the second respondent as illegal, unconstitutional and violative of Article 14, 16 and 21 of the Constitution of India and consequently Set Aside the proceedings No. 2328/M/503/Acad/2004 dated 24-9-2004 by the first respondent and proceedings No. MEC/Acad/2004-05 /141 dated 1-10-2004 and permit the petitioner to continue and complete the B.E. Civil Engineering Course and write exams.

Counsel for the Petitioner : MR. K.RAMAKANTH REDDY

Counsel for the Respondents : MR.DEEPAK BHATTACHARJEE

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.18920 OF 2004

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the first respondent University.

This writ petition is filed Seeking a Writ of Mandamus declaring the proceedings of the first respondent dated 24-09-2004 and the proceedings of the second respondent dated 1-10-2004 as arbitrary, illegal, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India.

The petitioner was given admission in the 2nd respondent College into B.E. Civil Engineering Course in the academic year 1997-98. It is stated that the petitioner has completed two years of course and out of 28 subjects, five subjects are remaining

and therefore he is entitled to continue his studies and accordingly he was admitted into first semester of third year B.E. course by the second respondent College. While so, by letter dated 24-09-2004 the 1st respondent University informed the 2nd respondent that the petitioner cannot be admitted to B.E. 3rd year during the academic year 2004-05, which is the eighth year from the date of the petitioner's admission to first year B.E. course since a candidate has to complete the 4-year B.E. course within eight years from the year of admission to first year. In turn, the 2nd respondent by letter dated 01-10-2004 informed the petitioner that his readmission to B.E. III-year course is not permitted as per the Rules of the University. Aggrieved by the same, this writ petition is filed.

The learned Counsel for the petitioner contends that since admittedly the petitioner was given admission in the academic year 1997-98, eighth year will be completed only during the academic year 2005-06 and therefore the objection raised by the first respondent University under the impugned proceedings cannot be sustained.

On behalf of the first respondent University, a counter-affidavit has been filed stating that the petitioner has not yet completed one subject of I-year, one subject of I-Semester of II-year and three subjects of II-semester of II-year. The said backlogs are not cleared till date, whereas as per Rule-7 of the University Rules all first year subjects shall be cleared within a maximum period of 3 academic years starting from the year of admission. Though the fact that the petitioner is in eighth year of his study in B.E. course has not been disputed, it is contended that after the completion of the eighth year i.e., after academic year 2004-05, the petitioner will not be eligible to continue the course any further.

It is to be noted that under the impugned letter dated 24-09-2004 the petitioner was denied admission only on the ground that a candidate has to complete the fourth year course within eight years from the year of admission into first year. Since admittedly the petitioner was given admission only in the academic year 1997-98, the eighth year will be over only during the academic year 2005-2006. The said fact has not been disputed by the respondents, but the only contention raised in the counter-affidavit is that after completion of academic year 2004-2005, the petitioner will not be eligible to continue. Whether he is entitled to continue after the

completion of eighth year or not is not the subject matter of this writ petition, but the question is whether the petitioner can be denied admission even during the academic year 2004-05. As on today, since admittedly the petitioner has not yet completed eight years, the impugned letter is not justified. The other contentions in the counter-affidavit that he has not yet completed the backlogs, need not be gone into this writ petition since such objection was never raised under the impugned letter. Accordingly, without expressing any opinion on the said objection, the impugned proceedings dated 24-09-2004 and 01-10-2004 are set aside.

The Writ Petition is accordingly disposed of. No costs.

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08th December, 2004.

Note:- CC by 10-12-2004.

(B/O)

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To

1 The Registrar, Osmania University, Hyderabad.
2 The Principal, MVSR Engineering College,
Nadargul Village, Saroornagar Mandal, R.R.District.

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